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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/248,077	02/10/1999	DAVID J. LADD	1298/0E486	8370

2292 7590 08/25/2006

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EXAMINER

SALAD, ABDULLAHI ELM1

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/248,077

Applicant(s)

LADD, DAVID J.

Examiner

Salad E. Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16, 27-30, 35-39 and 42-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16, 27-30 and 35-39 and 42-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response

1. In view of the appeal brief filed on 5/31/2006, PROSECUTION IS HEREBY REOPENED. as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments with regard to claims 12-16, 27-30 and 35-39 and 42-59 have been fully considered but are moot in view of new grounds of rejection.

Applicant alleges Bruce does not send audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device.

Examiner respectfully disagrees because Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3,

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lines 30-45). In addition, applicant responses seems to only focus the automated interactive voice response system part of Bruce's reference with out considering the alternative mechanism where Bruce describes the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA"). One skilled in art would have readily recognized such devices suggested by Bruce to receive the driving direction are remote from the device 12 and are associated with user.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-16, 27-30 and 35-39 and 42-59 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Bruce et al., U.S. Patent No. 6,765,998[hereinafter Bruce]

As per claims 12, discloses a method for communicating with voice mailbox comprising the steps of:

receiving an information request (route guidance or route direction), and voice mailbox identification information in the form of a telephone number corresponding to the user's voice mail system from a wireless portable unit (12, 18) (see col. 2, lines 4-67 and col. 5, lines 65-67);

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receiving device identification from a wireless device accessing an informational database with the information request (see fig. 1, element 72);
receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 23-39);
processing the text format with text-to-voice processor to generate an audio representation

Bruce is silent regarding:

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device.

Nonetheless, Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3, lines 30-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize voice mailbox in order to listen audio messages at subscriber's leisure.

In considering 13, Bruce discloses the method of claim 12, wherein the information request contains plurality of geographic locations and the responsive information comprises driving direction between locations (see col. 7, line 66 to col.8, line 19).

In considering 14, Bruce discloses the method of claim 13, wherein said information database is mapping database providing driving direction in response to a query containing a geographic location (see col. 7, line 66 to col.8, line 19).

In considering claim 15, Bruce discloses the method of claim 13, wherein said text format information comprises driving directions see col. 7, line 66 to col.8, line 19).

In considering claims 16, Bruce discloses a system for accessing an informational database over a network through which the informational database is accessed includes Internet (see figs. 1 and 2, elements 110, 220 and col. 3, line 36 to col. 4, line 56).

As per claim 27, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);
an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);
accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

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receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50).

Bruce is silent regarding:

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device.

Nonetheless, Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3, lines 30-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize voice mailbox in order to listen audio messages at subscriber's leisure.

In considering claims 28-30, Bruce discloses a system, wherein the interface comprises a computer server (see figs 1, element 18).

In considering claim 35, Bruce discloses the method of claim 12, further comprising the steps of: recording the audio message in the mailbox (see col. 5, lines 40-57); and calling the voice mailbox using the wireless portable unit to retrieve the recorded audio representation(see col. 5, lines 40-57).

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As per claim 36, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);

an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

Bruce is silent regarding:

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device.

Nonetheless, Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA") (see col. 3, lines 30-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the

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invention presented with teaching of Bruce to utilize voice mailbox in order to listen audio messages at subscriber's leisure.

In considering claims 37, 45, 50-51 and 56, Bruce discloses the method according to claim 36, wherein the first information or the query includes an identifier, which uniquely identifies the portable device (see col. 6, lines 14-25)..

In considering claim 38-39, 46-47, 52- 53, 57, Bruce further discloses the method according to claim 36, wherein the first information includes plurality of geographic location addresses and the second information includes driving directions and wherein the informational database is a mapping database and second information includes driving directions (see fig. 3 and col. 5, lines 23-57)

As per claim 44, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);
an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

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accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein voice mailbox is remote from the wireless portable device (see col. 2, lines 61-67).

Bruce is silent regarding: the voice mailbox corresponds to the user's voice mailbox.

Barber in an analogous art discloses an interactive telephone service where an information of personal interest of user is transmitted to a voice mailbox associated with the user (see col. 6, line 65 to col. 7, line 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize the Barber's voice mailbox in order to listen audio messages at subscriber's leisure.

In considering claim 42-43, and 48, and 58, Bruce disclose the method according to claim 36, for accessing an informational database over a network, through which the informational database is accessed includes Internet (see fig. 3 and col. 5, lines 23-57).

As per claims 49 and 55 Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);

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an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

Bruce is silent regarding:

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device.

Nonetheless, Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA") (see col. 3, lines 30-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize voice mailbox in order to listen audio messages at subscriber's leisure.

In considering claim 54, Bruce discloses the method according claim 49, wherein said step of accessing the information database occurs over the Internet (see fig. 1).

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In considering claim 59, Bruce discloses the system of claim 27, wherein the wireless portable is cellular phone (see fig. 1, element 12).

CONCLUSION

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The **fax phone number** for the organization where this application or proceeding is assigned is **571-273-8300**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi salad
8/20/2006

ABDULLAH SALAD
PRIMARY EXAMINER